

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT INDIANA**

MALIBU MEDIA, LLC,	)	
	)	
Plaintiff,	)	Civil Case No. <u>1:12-cv-01116-RLY-MJD</u>
	)	
v.	)	
	)	
MEGAN RUMPKE, ZHIWEI XIAO,	)	
JOHN MUTZ, TIM DODD, JENNIFER	)	
FOREMAN, NICK WHETSEL,	)	
HAISHAN WANG and JOHN DOE 1,	)	
	)	
Defendants.	)	
_____	)	

**PLAINTIFF’S MOTION FOR ENTRY OF AN ORDER GRANTING PLAINTIFF  
LEAVE TO FILE ITS ANSWER TO DEFENDANT’S AMENDED ANSWER AND  
COUNTERCLAIMS AND ALSO TO FILE ITS MOTION TO DISMISS DEFENDANT’S  
COUNTERCLAIMS PURSUANT TO FED. R. CIV. P. 12(b)(6) *INSTANTER***

Plaintiff, Malibu Media, LLC (“Plaintiff”), respectfully requests this Court enter an order granting Plaintiff leave to file its Answer to Defendant’s Amended Answer and Counterclaims and also its Motion to Dismiss Defendant’s Counterclaims Pursuant to Fed. R. Civ. P. 12(b)(6) *instante*. The deadline to respond to Defendant’s Amended Answer and Counterclaims was unintentionally incorrectly docketed by a paralegal that undersigned works with. The deadline to respond was erroneously docketed for November 21, 2013 instead of November 12, 2013. A true and correct copy of Plaintiff’s Answer to Defendant’s Amended Answer and Counterclaims and Plaintiff’s Motion to Dismiss Defendant’s Counterclaims is attached hereto as Exhibit A. The Defendant will not be prejudiced by granting this motion.

**WHEREFORE**, Plaintiff respectfully requests entry of an order permitting it to file, *instante*, its Answer to Defendant’s Amended Answer and Counterclaims and Plaintiff’s Motion

to Dismiss Defendant's Counterclaims, and for such other and further relief as this Court deems just and proper.

Dated: November 13, 2013.

NICOLETTI & ASSOCIATES, PLLC

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 13, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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By: /s/ Paul J. Nicoletti